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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/873,601	06/12/97	NOLAN	G A-63915/DJB/

HM12/0516  
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EXAMINER

RICIGLIANO, J

ART UNIT      PAPER NUMBER

1627

19

DATE MAILED: 05/16/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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08/873,601	6/12/97	Nolan et al.	A-63915/DJB/

EXAMINER	
Ricigliano, Joseph W.	
ART UNIT	PAPER NUMBER
1627	19

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

The reply filed on 2/15/2000 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): The amendment sets forth that the claims are now to be directed to libraries of cells. This invention is distinct from the invention previously examined for the reasons set forth in the attachment. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph W. Ricigliano Ph. D. whose telephone number is (703) 308-9346. The examiner can be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0196.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith MacMillan, can be reached at (703) 308-4614.

  
 Joseph W. Ricigliano Ph. D.

This action is responsive to the communications received 2/15/00.

***Election/Restriction***

1. Claims 1-8 and 27-42 are pending in the application. Generic claims 1-8 and 27 and species specific claims 28, 31-32, 34 and 39 are being examined on their merits

2. Newly amended claims are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

3. The libraries of the instant claims are related to the invention of elected group I as distinct products. The products are distinct as the libraries comprise different members which have different characteristics and composition than the individual cell set forth in the originally elected invention of group I. Moreover, the cells of group I and the libraries now claimed can be used in materially different processes. For example the individual cell could be used to mass produce large quantities of the "different" components.

Because these inventions are distinct for the reasons given above and the search required for the amended claims ( which would constitute restriction group V) is not required for previously examined Group I, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, claim withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.